

~~deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.~~

Public Hearing

~~A public hearing on this proposed Rule is scheduled for Thursday, January 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.~~

~~Kathy H. Kliebert
Secretary~~

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

~~RULE TITLE: Outpatient Hospital Services~~

~~Public-Private Partnerships—Supplemental Payments~~

~~I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)~~

~~It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic costs of \$3,783,324 for FY 15-16, \$3,774,000 for FY 16-17 and \$3,774,000 for FY 17-18. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.~~

~~II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)~~

~~It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$6,217,324 for FY 15-16, \$6,226,000 for FY 16-17 and \$6,226,000 for FY 17-18. It is anticipated that \$324 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16 and 62.26 percent in FY 16-17.~~

~~III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)~~

~~This proposed Rule continues the provisions of the November 1, 2012 and March 2, 2013 Emergency Rules which amended the provisions governing outpatient hospital services to establish supplemental Medicaid payments to non-state owned hospitals in order to encourage them to take over the operation and management of state-owned hospitals that have terminated or reduced services (1 Hospital in the Baton Rouge Area only). It is anticipated that implementation of this proposed rule will increase programmatic expenditures in the Medicaid Program for outpatient hospital services by approximately \$10,000,000 for FY 15-16, \$10,000,000 for FY 16-17 and \$10,000,000 for FY 17-18.~~

~~IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)~~

~~It is anticipated that the implementation of this proposed rule will not have an effect on competition and may have a positive effect on employment.~~

~~J. Ruth Kennedy
Medical Director
1512#073~~

~~Evan Brasseaux
Staff Director
Legislative Fiscal Office~~

NOTICE OF INTENT

Department of Health and Hospitals Office of Public Health

Sanitary Code/Water Supplies
Minimum Disinfectant Residual
Levels in Public Water Systems
(LAC 51:XII.311, 355, 357, 358, 361, 363, 367,
903, 1102, 1105, 1113, 1117, 1119, 1125,
1133, 1135, 1139, 1503, 1903, and 1907)

Under the authority of R.S. 40:4 and 40:5 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Department of Health and Hospitals, Office of Public Health (DHH-OPH), intends to amend Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51). The amendments to Part XII are necessary to protect the public from water provided by public water systems that may be contaminated with *Naegleria fowleri* (brain-eating amoeba) parasite.

In accordance with the intent of Act 573 of 2014 and HCR 54 of 2015, the state health officer, through DHH-OPH, finds it necessary to promulgate a rule that finalizes the requirements of the emergency rule (the "ER") concerning disinfection of public water systems initially promulgated on November 6, 2013, and presently in effect as a result of subsequent re-promulgation. This rule maintains the requirements of the ER and strengthens monitoring requirements for public water systems using chloramine disinfection. This rule maintains the ER's required minimum disinfection residual level of 0.5 milligrams per liter (mg/L) for public water systems. Furthermore, this rule maintains the ER's twenty-five (25) percent increase to the number of required disinfectant residual measurements taken monthly or quarterly. The ER requires public water systems using surface water source to provide public notice upon the second consecutive month having disinfectant residuals less than 0.5 mg/L in over 5.0 percent of the measurements taken each month. This rule keeps that public notification requirement for surface water systems and extends that public notification requirement to public water systems using ground water. This rule also requires public water systems using chloramines as a disinfectant to monitor for nitrification, and to take corrective action as needed, in accordance with an approved nitrification plan. This nitrification plan requirement is based on DHH's confirmation of nitrification occurring in the distribution systems of the affected public water systems at the time of the above-mentioned amoeba detections. This rule is supported by scientific data and recommendations from the federal Centers for Disease Control and Prevention (CDC) relative to the control of the *Naegleria fowleri* parasite, which has thus far been found in seven public water systems within Louisiana.

For the reasons set forth above, Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51:XII) is proposed to be amended as follows.

Title 51
PUBLIC HEALTH—SANITARY CODE

Part XII. Water Supplies

Chapter 3. Water Quality Standards

§311. Records

[formerly paragraph 12:003-2]

A. Complete daily records of the operation of a public water system, including reports of laboratory control tests and any chemical test results required for compliance determination, shall be kept and retained as prescribed in the National Primary Drinking Water Regulations on forms approved by the state health officer. When specifically requested by the state health officer or required by other requirements of this Part, copies of these records shall be provided to the office designated by the state health officer within 10 days following the end of each calendar month. Additionally, all such records shall be made available for review during inspections/sanitary surveys performed by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1321 (June 2002), amended LR 30:1195 (June 2004), LR 42:

§355. Mandatory Disinfection

[formerly paragraph 12:021-1]

A. Routine, continuous disinfection is required of all public water systems.

1. Where a continuous chloramination (i.e., chlorine with ammonia addition) method is used, water being delivered to the distribution system shall contain a minimum concentration of 0.5 mg/l of chloramine residual (measured as total chlorine).

2. Where a continuous free chlorination method is used, water being delivered to the distribution system shall contain a minimum concentration of free chlorine residual in accordance with the following table.

Table 355.A.2	
pH Value	Free Chlorine Residual
up to 7.0	0.5 mg/l
7.0 to 8.0	0.6 mg/l
8.0 to 9.0	0.8 mg/l
over 9.0	1.0 mg/l

a. Table 355.A.2 does not apply to systems using chloramines.

b. pH values shall be measured in accordance with the methods set forth in §1105.D. of this Part.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1326 (June 2002), amended LR 28:2514 (December 2002), LR 35:1240 (July 2009), LR 38:2376 (September 2012), LR 42:

§357. Minimum Disinfection Residuals

[formerly paragraph 12:021-2]

A. Disinfection equipment shall be operated to maintain disinfectant residuals in each finished water storage tank and at all points throughout the distribution system at all times in accordance with the following minimum levels:

1. a free chlorine residual of 0.5 mg/l; or,

2. a chloramine residual (measured as total chlorine) of 0.5 mg/l for those systems that feed ammonia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1327 (June 2002), amended LR 42:

§358. Treatment Technique Requirement

A. Unless holding a valid variance from mandatory disinfection, each public water system using ground water as its source of water supply shall incur a treatment technique violation when it fails to comply with the minimum residual disinfectant concentration (0.5 mg/l free chlorine or total chlorine) in more than 5.0 percent of the samples collected each month from the distribution system for any two consecutive months. Upon the determination that a treatment technique violation has occurred, the public water system shall provide Tier 2 public notification in accordance with §1907.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 42:

§361. Implementation of Disinfection Requirements

A. A public water system not holding a disinfection variance on November 6, 2013 shall comply with the requirements of §355.A, §357, §367.C, and §367.G of this Part on the later of:

1. February 1, 2014; or
2. the expiration date of any additional time for compliance beyond February 1, 2014 granted by the state health officer. A request for additional time may be submitted in writing prior to February 1, 2014 only, and shall provide detailed justification and rationale for the additional time requested. The state health officer may grant such additional time if significant infrastructure improvements are required to achieve compliance with said requirements.

B. A public water system holding a disinfection variance on November 6, 2013 shall comply with one of the following options by February 1, 2014:

1. implement continuous disinfection that complies with the requirements of §355.A, §357, §367.C, and §367.G of this Part;

2. request additional time for complying with the requirements of §355.A, §357, §367.C, and §367.G of this Part by submitting a written request, if significant infrastructure improvements are required to achieve compliance therewith or extraordinary circumstances exist with regard to the introduction of disinfection to the system. Such written request shall provide detailed justification and rationale for the additional time requested;

3. (This option shall be available only if the public water system's potable water distribution piping is utilized for onsite industrial processes.) notify the state health officer in writing that in lieu of implementing continuous disinfection, the public water system has provided, and will thereafter provide on a quarterly basis, notification to all system users, in a manner compliant with §1907 of this Part, that the system does not disinfect its water. The notification shall state that because the water is not disinfected, the water quality is unknown in regard to the *Naegleria fowleri*

amoeba. A public water system selecting this option must sign an acknowledgement form, to be developed by the state health officer, stating that the public water system understands the risks presented by the lack of disinfection and that the public water system maintains responsibility for ensuring the safety of its water for end users; or

4. (This option shall be available only if the public water system's potable water distribution piping is utilized for onsite industrial processes.) request approval of an alternate plan providing water quality and public health protection equivalent to the requirements of §355.A and §357 of this Part. The state health officer may approve such a plan only if it is supported by peer reviewed, generally accepted research and science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 42:

§363. Revocation of Variances

[formerly paragraph 12:021-5]

A. A variance from mandatory disinfection shall be revoked when a public water system has a bacteriological MCL violation. When a variance is revoked, the system shall install mandatory continuous disinfection as stated in §355 of this Part within the times specified in a compliance schedule submitted to and approved by the state health officer. Such schedule shall be submitted within 10 days of receipt of notice of revocation.

B. Except for variances held by qualifying public water systems that comply with §361.B.3 of this Part or receive approval of an alternate plan under §361.B.4 of this Part, any variance concerning the mandatory disinfection requirements of §355 and/or §357 of this Part held by a public water system as of November 6, 2013 shall be automatically revoked on the later of:

1. February 1, 2014;
2. the expiration date of any additional time for compliance granted by the state health officer under §361.B.2 of this Part; or
3. the denial of a request for approval of an alternate plan submitted under §361.B.4 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1327 (June 2002), amended LR 42:

§367. Disinfectant Residual Monitoring and Record Keeping

[formerly paragraph 12:021-7]

A. Disinfectant Residual Monitoring in Treatment Plant. A public water system shall measure the residual disinfectant concentration in water being delivered to the distribution system at least once per day.

B. Disinfectant Residual Monitoring in Distribution System. A public water system shall measure the residual disinfectant concentration within the distribution system:

1. by sampling at the same points in the distribution system and at the same times that samples for total coliforms are required to be collected by the public water system under this Part;
2. by sampling at an additional number of sites calculated by multiplying 0.25 times the number of total coliform samples the public is required under this Part to

take on a monthly or quarterly basis, rounding any mixed (fractional) number product up to the next whole number. These additional residual monitoring samples shall be taken from sites in low flow areas and extremities in the distribution system at regular time intervals throughout the applicable monthly or quarterly sampling period; and

3. by sampling at the site that represents the maximum residence time (MRT) in the distribution system at least once per day.

C. A public water system shall increase sampling to not less than daily at any site in the distribution system that has a measured disinfectant residual concentration of less than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine) until such disinfectant residual concentration is achieved at such site.

D. The records of the measurement and sampling required under Subsections A and B of this Section shall be maintained on forms approved by the state health officer and shall be retained as prescribed in the National Primary Drinking Water Regulations, and shall be made available for review upon request by the state health officer.

E. Each public water system shall submit a monitoring plan to the state health officer for review and approval. The monitoring plan shall be submitted in a format approved by the state health officer and shall include all the total coliform and disinfectant residual monitoring sites required under this Section and §903.A of this Part. All monitoring sites shall be identified along with a 911 street address, a latitude/longitude coordinate, and a brief description of the site location. A public water system in existence as of November 6, 2013 shall submit such a monitoring plan no later than January 1, 2014 and shall update the monitoring plan as requested by the state health officer and/or as monitoring sites change.

F. Chlorine residuals shall be measured in accordance with the analytical methods set forth in §1105.C of this Part.

G. Where a continuous chloramination (*i.e.*, chlorine with ammonia addition) method is used or where water that is provided to customers contains chloramines, a nitrification control plan shall be developed and submitted to the state health officer. A public water system in existence as of November 6, 2013 shall submit and comply with such a nitrification control plan no later than January 1, 2017. The plan shall conform to the guidelines contained in industry standards such as the American Water Works Association's M56 Manual on Nitrification and contain at least the following information:

1. At a minimum, the following parameters shall be monitored and recorded in accordance with the following:

- a. free ammonia at least once per week in water being delivered to the distribution system (*i.e.*, point of entry) unless an alternate measurement or method is approved by the state health officer.
- b. nitrite at least once per quarter and in response to an action level trigger within the distribution system at sites prone to nitrification such as storage tanks and low flow areas.

2. A response plan with expected water quality ranges and action levels to control nitrification and ensure compliance with §357 of this Part.

H. Public water systems utilizing chloramination shall review and update the nitrification control plan required

under Subsection G of this Section as requested by the state health officer.

1. In addition, the nitrification control plan and monitoring results shall be retained on-site for a minimum of five years and shall be made available to the state health officer upon request and/or when the public water system fails to comply with §357 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8)(13) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1327 (June 2002), amended LR 30:1195 (June 2004), LR 42:

Chapter 9. Louisiana Total Coliform Rule [formerly Appendix C]

§903. Coliform Routine Compliance Monitoring [formerly Coliform Routine Compliance Monitoring of Appendix C]

A. Public water systems shall collect routine total coliform samples at sites which are representative of water throughout the distribution system in accordance with a monitoring plan approved by the state health officer. Each public water system shall submit a monitoring plan in a format approved by the state health officer. The monitoring plan shall include a minimum number of point of collection (POC) monitoring sites calculated by multiplying 1.5 times the minimum number of samples required to be routinely collected in accordance with Subsections C and D of this Section, rounding any mixed (fractional) number product up to the next whole number. The monitoring plan shall include a map of the system with each POC sampling site identified along with a 911 street address, a latitude/longitude coordinate, and a brief description of the site location. In accordance with requirements of Subsection E of this Section, the plan shall also indicate how the public water system will alternate routine sampling between all of the approved POC sampling sites.

B. - D. ...

E. Unless the state health officer specifies otherwise, the public water supply shall collect routine samples at regular time intervals throughout the month and shall alternate routine sampling between all of the approved POC sites. Routine samples shall not be collected from the same POC more than once per month.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8)(13) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1333 (June 2002), amended LR 42:

Chapter 11. Surface Water Treatment Rule Subchapter A. General Requirements and Definitions

§1102. Relationship with this Part

A. In those instances where the requirements of this Chapter are stricter than or conflict with the requirements of this Part generally, a public water system utilizing surface water or ground water under the direct influence of surface water (GWUDISW) shall comply with the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 42:

§1105. Analytical Requirements

A. Analysis for total coliform, fecal coliform, or HPC which may be required under this Chapter shall be conducted by a laboratory certified by DHH to do such analysis. Until laboratory certification criteria are developed, laboratories certified for total coliform analysis by DHH are deemed certified for fecal coliform and HPC analysis.

B. - B.3. ...

C. Public water systems shall conduct analysis for applicable residual disinfectant concentrations in accordance with one of the analytical methods in Table 1.

Table 1				
Residual	Methodology	Standard Methods ¹	ASTM Methods ²	Other Methods
Free Chlorine	Amperometric Titration	4500-Cl D, 4500-Cl D-00	D 1253-03	
	DPD Ferrous Titrimetric	4500-Cl F, 4500-Cl F-00		
	DPD Colorimetric	4500-Cl G, 4500-Cl G-00		
	Syringaldazine (FACTS)	4500-Cl H, 4500-Cl H-00		
	On-line Chlorine Analyzer			EPA 334.0 ³
	Amperometric Sensor			ChloroSense ⁴
Total Chlorine	Amperometric Titration	4500-Cl D, 4500-Cl D-00	D 1253-03	
	Amperometric Titration (low level measurement)	4500-Cl E, 4500-Cl E-00		
	DPD Ferrous Titrimetric	4500-Cl F, 4500-Cl F-00		
	DPD Colorimetric	4500-Cl G, 4500-Cl G-00		
	Iodometric Electrode	4500-Cl I, 4500-Cl I-00		
	On-line Chlorine Analyzer			EPA 334.0 ³
	Amperometric Sensor			ChloroSense ⁴
Chlorine Dioxide	Amperometric Titration	4500-ClO ₂ C		
	DPD Method	4500-ClO ₂ D		
	Amperometric Titration II	4500-ClO ₂ E, 4500-ClO ₂ E-00		
	Lissamine Green Spectrophotometric			EPA 327.0 Rev 1.1 ⁵
Ozone	Indigo Method	4500-O ₃ B, 4500-O ₃ B-97		

1. All the listed methods are contained in the 18th, 19th, 20th, 21st, and 22nd Editions of *Standard Methods for the Examination of Water and Wastewater*; the cited methods published in any of these editions may be used.

2. *Annual Book of ASTM Standards*, Vol. 11.01, 2004 ; ASTM International; any year containing the cited version of the method may be used. Copies of this method may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700 West Conshohocken, PA 19428-2959.

3. EPA Method 334.0. "Determination of Residual Chlorine in Drinking Water Using an On-line Chlorine Analyzer," August 2009. EPA 815-B-09-013. Available at http://epa.gov/safewater/methods/analyticalmethods_ogwdw.html.

4. ChloroSense. "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," September 2009. Available at <http://www.nemi.gov> or from Palintest Ltd, 21 Kenton Lands Road, PO Box 18395, Erlanger, KY 41018.

5. EPA Method 327.0, Revision 1.1, "Determination of Chlorine Dioxide and Chlorite Ion in Drinking Water Using Lissamine Green B and Horseradish Peroxidase with Detection by Visible Spectrophotometry," USEPA, May 2005, EPA 815-R-05-008. Available online at <http://www.epa.gov/safewater/methods/sourcalt.html>.

D. - E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8)(13) and 40:5 (5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1337 (June 2002), amended LR 28:2516 (December 2002), LR 42:

Subchapter B. Treatment Technique Requirements and Performance Standards

§1113. Treatment Technique Requirements

A. - A.3. ...

4. the total reductions to be required by the DHH may be higher and are subject to the source water concentration of *Giardia lamblia*, viruses, and *Cryptosporidium*;

5. the residual disinfectant concentration in the water delivered to the distribution system is not less than 0.5 mg/l free chlorine or 0.5 mg/l total chlorine for more than 4 hours in any 24 hour period; and

6. the residual disinfectant concentration is not less than 0.5 mg/l free chlorine or 0.5 mg/l total chlorine in more than 5.0 percent of the samples collected each month from the distribution system for any two consecutive months.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1340 (June 2002), amended LR 28:2518 (December 2002), LR 35:1241 (July 2009), LR 42:

§1117. Non-Filtering Systems

A. - C.1. ...

a. A system shall demonstrate compliance with the inactivation requirements based on conditions occurring during peak hourly flow. Residual disinfectant measurements shall be taken hourly. Continuous disinfectant residual monitors are acceptable in place of hourly samples provided the accuracy of the disinfectant measurements are validated at least weekly in accord with §1109.B or C, as applicable, of this Chapter. If there is a failure in the continuous disinfectant residual monitoring equipment, the system shall collect and analyze a grab sample every hour in lieu of continuous monitoring.

b. ...

2. To avoid filtration, the system shall maintain minimum disinfectant residual concentrations in accordance with the requirements of §355 and §357 of this Part. Performance standards shall be as presented in §1119.B and C of this Chapter.

3. - 3.a...

b. an automatic shut off of delivery of water to the distribution system when the disinfectant residual level

drops below 0.5 mg/l free chlorine residual or 0.5 mg/l chloramine residual (measured as total chlorine).

D. - D.7....

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1341 (June 2002), amended LR 28:2520 (December 2002), LR 35:1242 (July 2009), LR 42:

§1119. Disinfection Performance Standards

A. ...

B. Except as otherwise specified by this Section and Chapter, disinfection treatment shall comply with the minimum standards and requirements set forth in §355.A and §357 of this Part.

C. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1341 (June 2002), amended LR 28:2522 (December 2002), LR 35:1242 (July 2009), LR 42:

Subchapter C. Monitoring Requirements

§1125. Disinfection Monitoring

A. - A.5....

B. Disinfectant Residual Monitoring at Plant. To determine compliance with the performance standards specified in §1115 or 1119 of this Chapter, the disinfectant residual concentrations of the water being delivered to the distribution system shall be measured and recorded continuously. The accuracy of disinfectant measurements obtained from continuous disinfectant monitors shall be validated at least weekly in accord with §1109.B or C, as applicable, of this Chapter. If there is a failure of continuous disinfectant residual monitoring equipment, grab sampling every two hours shall be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment. Failure to have the continuous monitoring equipment replaced or repaired and put back into continuous service following the five working days allowed herein shall be deemed to constitute a violation of this Chapter. Systems shall maintain the results of disinfectant residual monitoring for at least 10 years.

C. Small System Disinfectant Residual Monitoring at Plant. Suppliers serving fewer than 3,300 people may collect and analyze grab samples of the water being delivered to the distribution system for disinfectant residual determination each day in lieu of the continuous monitoring, in accordance with Table 4 of this Chapter, provided that any time the residual disinfectant falls below 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine), the supplier shall take a grab sample every two hours until the residual concentrations is equal to or greater than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine).

* * *

D. Disinfectant Residual Monitoring in Distribution System. The residual disinfectant concentrations in the distribution system shall be measured, recorded, and maintained in accordance with §367.B, C, D and E of this Part. A monitoring plan shall be developed, submitted, reviewed, and approved in accordance with §367.E of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1342 (June 2002), amended LR 28:2523 (December 2002), LR 35:1243 (July 2009), LR 42:

Subchapter E. Reporting

§1133. DHH Notification

A. - A.4. ...

5. the disinfectant residual measured from any sample collected from water being delivered to the distribution system is found to be less than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine). The notification shall indicate whether the disinfectant residual was restored to at least 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine) within 4 hours;

A.6. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2525 (December 2002), amended LR 35:1244 (July 2009), LR 42:

§1135. Monthly Report

A. - B.5. ...

C. Disinfection Monitoring Results. The monthly report shall include the following disinfection monitoring results.

1. The date and duration of each instance when the disinfectant residual in water supplied to the distribution system is less than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine) and when the DHH was notified of the occurrence.

2. The following information on samples taken from the distribution system:

a. the number of samples where the disinfectant residual is measured; and

b. the number of measurements where the disinfectant residual is less than 0.5 mg/l free chlorine or 0.5 mg/l chloramine residual (measured as total chlorine).

D. - F.2.a ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2526 (December 2002), amended LR 35:1244 (July 2009), LR 42:

Subchapter F. Public Notification

§1139. Consumer Notification

A. Treatment Technique/Performance Standard Violations. The supplier shall notify persons served by the system whenever there is a failure to comply with the treatment technique requirements specified in §§1113 or 1141, or a failure to comply with the performance standards specified in §§1115, 1117, 1119.A or 1119.C of this Chapter. The notification shall be given in a manner approved by the DHH, and shall include the following mandatory language.

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8)(13) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2527 (December 2002), amended LR 35:485 (March 2009), LR 35:1246 (July 2009), LR 42:

Chapter 15. Approved Chemical Laboratories/Drinking Water

Subchapter A. Definitions and General Requirements

§1503. General Requirements

A. - C. ...

D. - D.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8)(13) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 30:1199 (June 2004), amended LR 42:

Chapter 19. Public Notification Rule

§1903. Public Notification

A. If a public water system fails to comply with an applicable maximum contaminant level, treatment technique requirement, or analytical requirement as prescribed by this Code or fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or fails to perform any monitoring required by this Code, the public water system shall notify persons served by the system of the failure in a manner prescribed by the *national primary drinking water regulations* (as defined in this Part), §§358, 913, 1139, 1317, 1507, 1509, and the Public Notification Rule (Chapter 19 of this Part), as applicable.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:486 (March 2009), amended LR 35:1246 (July 2009), LR 38:2378 (September 2012) LR 42:

§1907. Tier 2 Public Notice

A. When a tier 2 public notice is required under the National Primary Drinking Water Regulations, §§358, 913 or 1139.C of this Part, the public water system shall, unless directed otherwise by the Office of Public Health in writing, provide public notification in a daily or weekly newspaper serving the area as soon as possible but no later than 14 days after the violation or failure. In addition to newspaper notice, a notice shall also be provided to the consumers by direct mail or hand delivery within 30 days after the violation or failure.

EXCEPTION: When furnishing a notice to a newspaper is deemed not feasible for a non-community water system, continuous posting (in conspicuous places within the area served by the system) and, if available, e-mailing (to students or employees, for example) may be substituted. The notice shall remain posted for a minimum of at least 7 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:487 (March 2009), amended LR 42:

Family Impact Statement

1. The Effect on the Stability of the Family. None.
2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. None.
3. The Effect on the Functioning of the Family. None.
4. The Effect on Family Earnings and Family Budget. The Rule cost estimates are based on the compliance status of each public water system (PWS) with the Rule. Non-compliant and compliant systems have incurred costs as a

result of the emergency rule; however, many of the non-compliant systems are still anticipated to incur additional costs in order to become compliant. Based on the number of compliant systems, it is estimated that 71 percent of the households that are connected to a compliant PWS may incur a monthly cost increase of \$1.22 for this rule. It is estimated that the remaining 29 percent of the households that are connected to a non-compliant PWS may incur a monthly cost increase of \$6.58 for this rule.

6. The Effect on the Behavior and Personal Responsibility of Children. None. The Ability of the Family or Local Government to perform the Function as Contained in the Proposed Rule. None for family. Local governmental units which own, manage, and/or operate a public water system may determine a need to increase their revenue collections (i.e., increase water bills) to cover the cost to perform the function as contained in this rule.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Friday, January 29, 2016 at COB, 4:30 p.m., and should be addressed to Amanda Laughlin, Acting Chief Engineer, Engineering Services Section, Office of Public Health, P.O. Box 4489, Baton Rouge, LA 70821-4489, or faxed to (225) 342-7303. If comments are to be shipped or hand-delivered, please deliver to the Bienville Building, 628 N. Fourth Street - Room 132, Baton Rouge, LA 70802.

Public Hearing

DHH-OPH will conduct a public hearing at 9 am on Monday, January 25, 2016, in Room 118 of the Bienville Building, 628 North Fourth Street, Baton Rouge, LA. Persons attending the hearing may have their parking ticket validated when one parks in the 7-story Galvez Parking Garage which is located between N. Sixth and N. Fifth/North and Main Streets. (cater-corner and across the street from the Bienville Building). All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Jimmy Guidry, M.D.
State Health Officer
and
Kathy H. Kliebert
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Sanitary Code/Water Supplies Minimum Disinfectant Residual Levels in Public Water Systems

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule amends Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51) to finalize the requirements of the emergency rule initially promulgated on November 6, 2013 relative to the disinfection of drinking water provided by public water systems. The proposed amendments strengthen the existing disinfection levels and monitoring requirements for public water systems to control the *Naegleria fowleri* (brain-eating amoeba) parasite, which has thus far been found in seven public water systems within Louisiana.

This rule will impact certain state governmental units including DHH hospitals and other state agencies and facilities

that own or operate 32 public water systems. The Office of Public Health estimates such state governmental units may incur an additional cost of approximately \$162,849 in FY16, \$72,100 in FY17 and \$74,263 in FY18. These costs includes capital improvements (e.g., booster facility, sampling equipment, and sample stations), and operation and maintenance costs (e.g., additional sampling, chemical and flushing).

This rule will also impact local governmental units that own or operate 568 public water systems statewide. The approximate cost for all 568 systems is estimated to be \$44.5 M in FY 16, \$5.5 M in FY 17, and \$5.7 M in FY 18, which includes capital improvement costs (e.g., disinfection by-product treatment, booster facility, sampling equipment, and sample stations), and operation and maintenance costs (e.g., additional sampling, chemical and flushing).

The proposed rule will result in an estimated cost of \$2,849 for FY 16 to publish the notice of intent and the final rule in the Louisiana Register and \$10,000 each subsequent fiscal year for IT infrastructure costs associated with the monitoring plan portal that was developed for the implementation of the rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State or local governmental units which own, manage, and/or operate public water systems (PWS) may determine a need to increase their revenue collections (i.e. increase water bills) to cover the cost of complying with this rule. The actual effect on revenue collections is hard to predict due to variables in the applicable requirements based upon various sized systems.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule will impact persons (including federally owned public water systems located within Louisiana) or non-governmental groups that own or operate the 13 federally-owned public water systems and the 744 privately-owned public water systems. For the 744 privately-owned systems, additional costs of approximately \$10 million are expected to be incurred, which includes the capital improvement costs (e.g. disinfection by-product treatment, booster facility, sampling equipment, and sample stations), and operation and maintenance costs (e.g., additional sampling, chemical and flushing).

The 13 federally owned public water systems may incur additional costs of approximately \$90,000 which includes the capital improvements for treatment, and operation and maintenance costs.

The rule cost estimates are based on the compliance status of each public water system (PWS) with the rule. Non-compliant and compliant systems have incurred costs as a result of the emergency rule; however, many of the non-compliant systems are still anticipated to incur additional costs in order to become compliant. Based on the number of compliant systems, it is estimated that 71 percent of the households that are connected to a compliant PWS may incur a monthly cost increase of \$1.22 as a result of this rule. It is estimated that the remaining 29 percent of the households that are connected to a non-compliant PWS may incur a monthly cost increase of \$6.58 as a result of this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will likely cause an increase in competition to hire and retain qualified and certified water plant operators. The rule will require water plant operators to become more knowledgeable of plant and distribution system processes and controls. The competition to hire and retain a competent operator will be higher based on his/her qualifications. This will cause an increase in employment of

more knowledgeable and qualified individuals to properly install, operate and maintain required disinfectant residuals levels from the water plant through the entire distribution system.

Jimmy Guidry, MD
State Health Officer
1512#056

Evan Brasseaux
Staff Director
Legislative Fiscal Office

~~NOTICE OF INTENT~~

~~Department of Public Safety and Corrections Corrections Services~~

~~Sex Offender Treatment Plans and Programs (LAC 22:I.337)~~

~~In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby amends the contents of Section 337, Sex Offender Treatment Plans and Programs:~~

~~Title 22~~

~~CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT~~

~~Part I. Corrections~~

~~Chapter 3. Adult Services~~

~~Subchapter A. General~~

~~§337. Sex Offender Treatment Plans and Programs~~

~~A. Purpose to state the department's procedures for providing sex offender treatment plans and programs as set forth pursuant to the laws of this state.~~

~~B. Applicability deputy secretary, chief of operations, department's medical/mental health director, director, Regional Directors and District Managers of probation and parole, chairman of the committee on parole, regional wardens, wardens and sheriffs or administrators of local jail facilities. Each unit head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.~~

~~C. Policy. It is the secretary's policy that certain convicted sex offenders (as specifically defined in Subsections E, F, G and H) shall participate in appropriate sex offender treatment plans pursuant to the provisions of this regulation and the statutory requirements as stated herein.~~

~~D. Definitions~~

~~Mental Health Evaluation (for the purpose of this regulation) an examination by a qualified mental health professional with experience in treating sex offenders.~~

~~Qualified Mental Health Professional (for the purpose of this regulation) an individual who provides sex offender treatment to offenders in keeping with their respective levels of education, experience, training and credentials.~~

~~Unit Head the head of an operational unit, specifically, the undersecretary, warden, director of probation and parole, chairman of the committee of parole, sheriffs and administrators of local jail facilities and transitional work programs.~~

~~E. Sex offender treatment plan pursuant to R.S. 15:538(C):~~

~~1.a. no sex offender whose offense involved a minor child who is twelve years old or younger or who is convicted two or more times of a violation of:~~

~~i. R.S. 14:42 aggravated rape or first degree rape;~~

~~ii. R.S. 14:42.1 forcible rape or second degree rape;~~

~~iii. R.S. 14:43 simple rape or third degree rape;~~

~~iv. R.S. 14:43.1 sexual battery;~~

~~v. R.S. 14:43.2 second degree sexual battery;~~

~~vi. R.S. 14:43.3 oral sexual battery;~~

~~vii. R.S. 14:43.4 Repealed.~~

~~viii. R.S. 14:78 incest committed prior to 6-12-14;~~

~~ix. R.S. 14:89(A)(2) crime against nature committed on or after 6-12-14;~~

~~x. R.S. 14:78.1 aggravated incest committed prior to 6-12-14;~~

~~xi. R.S. 14:89.1 aggravated crime against nature;~~

~~b. shall be eligible for probation, parole, suspension of sentence, or diminution of sentence if imposed as a condition by the sentencing court pursuant to R.S. 15:537(A), unless, as a condition thereof, the offender undergoes a treatment plan based upon a mental health evaluation.~~

~~2. It shall be the responsibility of ARDC specialists during the pre-class verification process to identify those offenders whose sentence places them under the provisions of R.S. 15:538(C). It is preferable that state offenders in this category be transferred from a local jail facility to a departmental reception and diagnostic center. The Office of Adult Services' Transfer Section shall be responsible for the transport of these offenders to the department's custody. The basic jail guidelines regional team leaders shall assist local jail facilities with any questions or concerns regarding the provisions of R.S. 15:538(C).~~

~~a. If an offender assigned to an institution should receive a new sentence for an identified sex offense, it will be the responsibility of the warden to determine if they are subject to the conditions of R.S. 15:538(C).~~

~~3. Each institution and the division of probation and parole shall make arrangements with qualified mental health professionals for the purpose of conducting mental health evaluations and to develop and implement treatment plans.~~

~~4. The treatment plan shall be based upon a mental health evaluation and shall effectively deter recidivist sexual offenses by the offender, thereby reducing the risk of reincarceration of the offender and increasing the safety of the public, and under which the offender may reenter society.~~

~~5. The treatment plan may include:~~

~~a. the utilization of medroxyprogesterone acetate treatment (MPA) or its chemical equivalent as a preferred method of treatment;~~

~~b. a component of defined behavioral intervention if the evaluating qualified mental health professional determines that is appropriate for the offender.~~

~~6. The provisions of R.S. 15:538(C) shall only apply if parole, probation, suspension of sentence, or diminution of sentence is permitted by law and the offender is otherwise eligible.~~